

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 3-12, 14, and 16-29 are pending in the present application. Claims 3-12, 14, and 16-18 were previously presented. New claims 19-29 are added by the present amendment.

#### **Rejection under 35 U.S.C. § 102(e)**

Claims 12, 14 and 16-18, 3, 5, and 7-10 are rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by *Kotani* (US 2002/0078038 A1). This rejection is respectfully traversed.

The *Kotani* reference discloses a device that merely searches image data among various image data which is received through data input/output unit 100 of an image search apparatus, and then appears to be stored in a storage unit 102 of the image search apparatus (see Fig. 1). Then, the *Kotani* device merely displays the images which match the search condition, which were selected from the thumbnail images, as recognized by the Examiner in his Office Action. In other words, regardless of whether the selected images are displayed or not, all the image data of the *Kotani* device is necessarily maintained in the data storage unit 102. As can be seen, *Kotani* does not judge whether the received image data is to be maintained in the data storage unit based on the correlativity between the received image data and the other image data, as required in independent claims 12, 14 and 16. Further, the *Kotani* device cannot collect only the image data having a high correlativity in the image search apparatus, among various image data which is received from the outside of the image search apparatus, as achieved by the present claimed invention.

In the Office Action, the Examiner refers to the display portion 360 in the cited *Kotani* document as corresponding to the maintenance judgment means of the present invention. However, display portion 360 merely displays the image selected from the thumbnail images, as recognized by the Examiner. The Examiner alleges that to display the image selected from the thumbnail images corresponds to maintaining the image as previously claimed. However, regardless of whether the selected image is displayed or not, the image data of *Kotani* is always maintained in the data storage unit. In other words, *Kotani* merely discloses a searching method, and does not disclose the feature of the present invention that judges whether the received image data is to be maintained in the data storage or not based on the correlativity, as is clearly recited in the independent claims 12, 14 and 16. Applicant submits that the rejection to independent claims 12, 14 and 16 has been overcome by the present amendment to clearly recite the feature of the received image data is to be maintained in the data storage unit. As can be seen from this, *Kotani* cannot collect the image data having a high correlativity, which is one of the main features of the claimed invention, since *Kotnai* appears to maintain all received images in the data storage unit regardless of the correlativity.

For at least the above reason, applicant believes that the invention as recited in claims 12, 14 and 16 is patentably distinguishable over *Kotani*.

Dependent claims 3, 5, 7-10 and 17-18 are allowable at least by virtue of their dependencies on independent claim 12 for the reasons as stated above.

**Rejection under 35 U.S.C. § 103(a)**

Claim 6 is rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over *Kotani* (US 2002/0078038 A1) in view of *Shaffer et al.* (US 6,389,181).

Claim 6 is dependent on independent claim 12, and should be allowable at least by virtue of its dependency on claim 12.

**Claims Objection**

Claims 4 and 11 were objected to by the Examiner, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 4 and 11 have been made independent as new claims 20 and 21 respectively, including all the limitations of the base claim and intervening claims. Accordingly, Applicant respectfully submits that new claims 20 and 21 should be allowable.

**New Claims**

New claims 19-24 are added by the present amendment. Claims 19 and 20 are dependent on independent claim 12, and should be allowable at least by virtue of its dependency to claim 12. New claims 21-24 are dependent on independent claims 14 and 16 respectively. Accordingly, they should be allowable at least by virtue of their dependency to claims 14 and 16 respectively.

Further, new dependent claims 19-22 recite the feature of, “the image data is received from outside of the image processing apparatus.” The claimed invention judges whether the

received image data, which is received from outside of the image processing apparatus, is to be maintained in the data storage unit of the image processing apparatus based on the correlativity. Thus, the claimed invention can collect only the image data having a high correlativity since the image data having a low correlativity relative to the other data in the data storage unit is not maintained in the data storage unit. Applicant respectfully submits that the *Kotani* and *Shaffer et al.* references, either alone or in combination, do not teach or suggest the feature as claimed in claims 19-22.

### CONCLUSION

In summary, all of the present claims, as amended, define patentably distinguishable subject matter over the prior art cited. Thus, this application should be placed into condition for allowance. Early and favorable action on the merits of the present application is earnestly requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

MKM/PSW/cm